In the High Court Of Uttaranchal, at Nainital

Criminal Misc. Application No. 487/2006

Jaiveer Singh, S/o Prasadi Singh,
R/o Village Banaiya, P.S. Shishgarh,
Tehsil Baheri, District Bareilly, U.P. ... Applicant.

Versus

1- State of Uttaranchal,
2- Chanchal Shama, Sub Inspector,
P.S. Kotwali, Tehsil Rudrapur
District Udham Singh Nagar.
3- Prabhat Kumar, Sub Inspector, P.S. Kotwali
Tehsil Rudrapur,
District U.S. Nagar ...Respondents.

Sri S.K. Mandal, learned counsel for the petitioner.
Sri G.S. Sandhu, learned A.G.A. for the State.

Hon'ble B.C. Kandpal, J.

This petition has been filed under Section 482 Cr.P.C. by the applicant, who is facing the trial before the Court of Special Judge, Gangster Act, U/Ss 419, 420, 467, 468, 471 I.P.C. and 2/3 gangster Act.

2- Heard learned counsel for the applicant, learned A.G.A. and perused the record.

3- The first information report lodged against the petitioner reveals that he was found in possession of some forged documents viz. T.C., domicile, mark-sheet of the educational qualification and the registration of the employment office etc. The F.I.R. also reveals that the petitioner obtained these documents in order to prepare his driving licence. The police took all these papers into possession and

accordingly challaned the petitioner for the offences U/Ss 419, 420, 467, 468, 471 I.P.C.

4- learned counsel for the applicant has submitted that subsequently the applicant has been challaned U/S 2/3 of the Gangster Act by way of another case crime No. 2288/2005 which was originally instituted against one Narendra Singh. He has thus submitted that in view of the provisions of Gangster Act, the applicant could not be challaned for committing the offence U/S 2/3 Gangster Act, as he does not come within the purview of the Gangster Act.

5. At this stage I am not supposed to embark upon an enquiry with regard to the assessment of the evidence on record. The evidence is incomplete and hazy and yet to be concluded by the court.

6. I do not find any ground for entertaining this petition at this stage.

7. Accordingly the petition is dismissed.

8. However, the petitioner is at liberty to raise this issue before the Special Judge, Gangster Act at the appropriate stage.

(B.C. Kandpal, J.)

Dated: 06-7-2006

ISB